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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,750	07/02/2003	Franklin H. Valade JR.	C4-1184	5548

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EXAMINER	
LIEU, JULIE BICHNGOC	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/612,750	VALADE ET AL.	
	Examiner	Art Unit	
	Julie Lieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/26/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action in response to Applicant's election filed June 12, 06. Claims 1, 2, 15, 24, and 25 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17, 22-34, 37, and 42-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuno (US Patent No. 6,474,117).

Claim 1:

Okuno discloses a security tag, comprising:

a. a tag housing 10;

b. a tack body 2; and

c. a linear clamp 3 including a spring arm 36 to bias the linear clamp against one or more abutments, the linear clamp having a slot to retain the tack body, and to move in a substantially linear direction on a track in response to a force to release the tack body from said slot.

Claim 2:

The linear clamp 3 comprises:

a. a clamp body 3;

b. a spring arm 36 attached to a first edge (fig. 7) of the clamp body; and

c. a tack retaining body 34 to retain the tack body.

Claim 3:

The tack retaining body comprises a first jaw and a second jaw 32, with each jaw terminating in spaced facing edges, the spaced facing edges forming a slot and a jaw open area in the clamp body. See fig. 7.

Claim 4:

The jaws 32 extend from a common second edge of the clamp body. See fig. 5.

Claim 5:

Jaws 32 are integrally formed with clamp body 3.

Claim 6:

The tack body 2 comprises at least one first portion 21 and at least one second portion which is the pointed end of 21, the first and second portions having first and second diameters, respectively, with the second diameter smaller than the first diameter. See fig. 7.

Claim 7:

The slot 34 has a width approximate to the second diameter, wherein the jaws 32 move from a first position to a second position to accommodate the first portions, and from second position to the first position to retain the second portion.

Claim 8:

A side of clamp body 3 forms a first plane, and a side of the tack retaining body forms a second plane substantially parallel to said first plane. See fig. 7.

Claim 9:

A first portion of the spaced facing edges of clamp body 3 are substantially parallel to form the slot, with first end of the slot forming a curve approximating a curve for the tack body, and the second end of the slot forming a release section opening into the jaw open area. See fig. 7.

Claim 10:

The tag body includes a channel 14 for a detachment probe 7, the channel configured to accommodate movement of the detachment probe to contact said first edge of the linear clamp. Fig. 7.

Claim 11:

The detachment probe in 7 provides force against the second edge to move the linear clamp from a first position to a second position in the linear direction on tracks 30 and 32.

Claim 12:

The linear clamp 3 moves from the second position to the first position when force is terminated.

Claim 13:

Okuno discloses second portion of the spaced facing edges are straight to form the jaw open area, with a first distance between a first end of said jaw open area being less than a second distance between a second end of said jaw open area. See fig. 7.

Claim 14:

The housing of the tag 10 comprises a top half and a bottom half (figs. 3 and 4), with the bottom half having a guide to assist movement of the linear clamp in the linear direction. Fig. 7.

Claim 15:

The bottom half of the tag 10 includes an abutment 31 to bias the spring arm 36 in response to movement of the linear clamp in the linear direction, the abutment being disposed approximately in line with the force.

Claims 16

The spring arm 36 comprises a spring arm body that extends along the first edge of the clamp body and a curve joint joining the spring arm body to one end of the clamp body.

Claim 17:

Spring arm 36 moves from a first position to a second position in response to the applied force, and moves from said second position to said first position when the force terminates.

Claim 19:

Tag body 10 includes a channel 14 for a detachment probe 7, the channel configured to accommodate movement of the detachment probe to contact the edge of the clamp.

Claim 20:

The detachment probe 7 provides force against the bridge to move the linear clamp 3 from a first position to a second position in the linear direction along tracks 30 and 32.

Claim 22:

A first portion of the spaced facing edges of clamp body 3 are substantially parallel to form the slot 34, with first end of the slot forming a curve approximating a curve for the tack body, and the second end of the slot forming a release section opening into the jaw open area. See fig. 7.

Claim 23:

The housing of the tag 10 comprises a top half and a bottom half, with the bottom half having a guide to assist movement of the linear clamp in the linear direction. See fig. 7.

Claim 24:

The bottom half of tag 10 includes the abutment (where spring arm 36 is located in between which is disposed to generate a clockwise moment approximately equal and opposite to a counterclockwise moment caused by the slot.

Claim 25:

Okuno discloses a linear clamp for a security tag, comprising:

a. a clamp body 3;

b. a spring arm 36 attached to a first edge of said clamp body; and

c. a tack retaining body having a slot 34 to retain the tack body, and to release the tack body from slot in response to a force applied in a substantially linear direction.

See fig. 7.

Claim 26:

The tack retaining body 34 comprises a first jaw and a second jaw 32 with each jaw terminating in spaced facing edges, the spaced facing edges forming slot 38 and a jaw open area in the clamp body. See fig. 7.

Claim 27:

The jaws extend from a common second edge of the clamp body 3. Fig. 7.

Claim 28:

Jaws 96, 98 are integrally formed with the clamp body. Fig. 5.

Claim 29:

The clamp body forms a first plane, and a side of the tack retaining body form a second plane substantially parallel to said first plane. Fig. 7.

Claim 30:

A first portion of the spaced facing edges are substantially parallel to form slot 34, with a first end of the slot forming a curve approximating a curve for said tack body, and the second end of said slot forming a release section opening into the jaw open area32. Fig. 7.

Claim 31:

The second edge of the tack retaining body receives force to move the linear clamp from a first position to a second position in linear direction.

Claim 32:

The tack body moves into the jaw (32) open area when the linear clamp is in the second position, thereby releasing the tack body from the tack retaining body.

Claim 33:

The linear clamp 3 moves from the second position to the first position when force is terminated.

Claim 34:

A second portion of the spaced facing edges are straight to form the jaw open area (fig. 7), with a first distance between a first end of the jaw open area being less than a second distance between a second end of the jaw open area.

Claim 35:

Spring arm 36 comprises a spring arm body that extends along the first edge of the clamp body and a curve joint joining the spring arm body to one end of the clamp body 3.

Claim 36:

Spring arm 36 moves from a first position to a second position in response to the force, and moves from the second position to the first position when the force terminates.

Claim 37:

The spring arm 36 is biased approximately in line with the force.

Claim 42:

The rejection of claim 42 recites the rejection of claim 22.

Claim 43:

A second edge of the tack retaining body receives force to move the linear clamp from a first position to a second position in the linear direction. See fig. 7.

Claim 44:

The tack body 2 moves into the jaw open area when the linear clamp is in the second position, thereby releasing the tack body from the tack retaining body.

Claim 45:

Linear clamp 3 moves from the second position to the first position when said force is terminated.

Claim 46:

The rejection of claim 46 recites the rejection of claim 16.

Claim 47:

Spring arm 36 moves from a first position to a second position in response to the force, and moves from the second position to the first position when the force terminates.

Claim 48:

The rejection of claim 46 recites the rejection of claim 16.

Claim Rejections - 35 USC § 103

5. Claims 18-21 and 38-41are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuno (US Patent No. 6,474,117).

Claim 18:

The clamp 3 does not have a bridge across the jaw open area. However, lacking any criticality as to why a bridge across the open jaw area is needed, how it would solve any stated problem or produce any unexpected result, it appears that clamp 34 function equally well without a bridge across the open jaw area.

Claim 19:

Tag body 10 includes a channel 14 for a detachment probe 7, the channel configured to accommodate movement of the detachment probe to contact the edge of the clamp.

Claim 20:

The detachment probe 7 provides force against edge of the linear clamp 3 to move the linear clamp from a first position to a second position in the linear direction.

Claim 21:

The linear clamp 3 moves from the second position to the first position when force is terminated.

Claim 38:

The rejection of claim 35 recites the rejection of claim 18.

Claim 39:

The rejection of claim 39 recites the rejection of claim 19.

Claim 40:

The tack body 2 moves into the jaw open area when the linear clamp is in said second position, thereby releasing the tack body from the tack retaining body. See fig. 7.

Claim 41:

The linear clamp 3 moves from the second position to the first position when the force is terminated.

Remarks

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julie Lieu
Primary Examiner
Art Unit 2612

Aug. 14, 06